

ORIGINAL

## UNITED STATES DISTRICT COURT

for the

Eastern District of Virginia

NOV 21 2018

United States of America )

v. )

Desmond Littlejohn )

Defendant )

Case No. 2:18cr119

RECEIVED  
UNITED STATES MARSHAL

2018 NOV 20 P 9:24

EASTERN DISTRICT  
OF VIRGINIA  
CLERK OF COURTSUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR  
OBJECTS IN A CRIMINAL CASETo: Virginia Department of Forensic Science-Eastern Lab, Forensic Scientist Brittany Porter  
830 Southampton Avenue, Suite 400 Norfolk, Virginia 23510-1028 ; Telephone 757-355-5954

(Name of person to whom this subpoena is directed)

**YOU ARE COMMANDED** to produce at the time, date, and place set forth below the following books, papers, documents, data, or other objects: A complete copy of the laboratory case file including, but not limited to, the chain of custody, laboratory notes, forms, paperwork, electropherograms, allelic tables, statistics, tech reviews & reports. A copy of the laboratory procedural manual in effect at the time of testing. A copy of the Quality Assurance Manual in effect at the time of testing. Records of unexpected allele detection or possible contamination. Copies of resumes, job descriptions & proficiency test results of the analysts(s) & reviewer(s) performing testing & review in this case. A copy of Certificate of Accreditation

Place: Hallauer Law Firm  
520 S. Independence Blvd., Suite 210  
Virginia Beach, VA 23452

Date and Time: 11/26/2018 4:00 pm

Certain provisions of Fed. R. Crim. P. 17 are attached, including Rule 17(c)(2), relating to your ability to file a motion to quash or modify the subpoena; Rule 17(d) and (e), which govern service of subpoenas; and Rule 17(g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

(SEAL)

Date:

11/19/18

CLERK OF COURT

Signature of Clerk or Deputy Clerk

The name, address, e-mail, and telephone number of the attorney representing (name of party) Desmond Littlejohn, who requests this subpoena, are:

Scott F. Hallauer, Esquire  
520 S. Independence Blvd., Suite 210 Virginia Beach, VA 23452; 757-474-0089; scott@hallauerlaw.net

## Notice to those who use this form to request a subpoena

Before requesting and serving a subpoena pursuant to Fed. R. Crim. P. 17(c), the party seeking the subpoena is advised to consult the rules of practice of the court in which the criminal proceeding is pending to determine whether any local rules or orders establish requirements in connection with the issuance of such a subpoena. If no local rules or orders govern practice under Rule 17(c), counsel should ask the assigned judge whether the court regulates practice under Rule 17(c) to 1) require prior judicial approval for the issuance of the subpoena, either on notice or ex parte; 2) specify where the documents must be returned (e.g., to the court clerk, the chambers of the assigned judge, or counsel's office); and 3) require that counsel who receives produced documents provide them to opposing counsel absent a disclosure obligation under Fed. R. Crim. P. 16.

Please note that Rule 17(c) (attached) provides that a subpoena for the production of certain information about a victim may not be issued unless first approved by separate court order.

Case No. 2:18cr119

## PROOF OF SERVICE

This subpoena for (name of individual and title, if any) BRITTANY PORTER, FORENSIC SCIENTIST  
was received by me on (date) 11/20/2018.

☒ I served the subpoena by delivering a copy to the named person as follows: BRITTANY PORTER,  
FORENSIC SCIENTIST, VIRGINIA DEPARTMENT OF FORENSIC SCIENCE -  
EASTERN LAB on (date) 11/20/2018; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

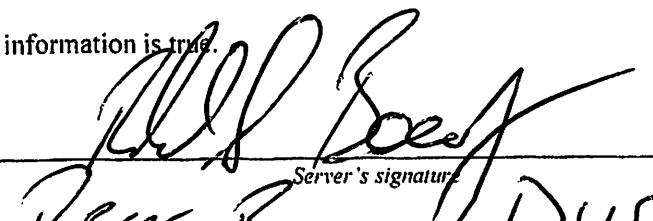
Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
tendered to the witness fees for one day's attendance, and the mileage allowed by law, in the amount of  
\$ \_\_\_\_\_.

My fees are \$ .19 for travel and \$ 65.00 for services, for a total of \$ 65.19.

I declare under penalty of perjury that this information is true.

Date:

11/20/2018

  
Server's signature  
ROBERT BOWERS DUSM  
Printed name and title

600 GRANBY ST, NORFOLK, VA 23570  
Server's address

Additional information regarding attempted service, etc.:

**Federal Rule of Criminal Procedure 17 (c), (d), (e), and (g) (Effective 12/1/08)**

**(c) Producing Documents and Objects.**

(1) **In General.** A subpoena may order the witness to produce any books, papers, documents, data, or other objects the subpoena designates. The court may direct the witness to produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them.

(2) **Quashing or Modifying the Subpoena.** On motion made promptly, the court may quash or modify the subpoena if compliance would be unreasonable or oppressive.

(3) **Subpoena for Personal or Confidential Information About a Victim.** After a complaint, indictment, or information is filed, a subpoena requiring the production of personal or confidential information about a victim may be served on a third party only by court order. Before entering the order and unless there are exceptional circumstances, the court must require giving notice to the victim so that the victim can move to quash or modify the subpoena or otherwise object.

(d) **Service.** A marshal, a deputy marshal, or any nonparty who is at least 18 years old may serve a subpoena. The server must deliver a copy of the subpoena to the witness and must tender to the witness one day's witness-attendance fee and the legal mileage allowance. The server need not tender the attendance fee or mileage allowance when the United States, a federal officer, or a federal agency has requested the subpoena.

**(e) Place of Service.**

(1) **In the United States.** A subpoena requiring a witness to attend a hearing or trial may be served at any place within the United States.

(2) **In a Foreign Country.** If the witness is in a foreign country, 28 U.S.C. § 1783 governs the subpoena's service.

(g) **Contempt.** The court (other than a magistrate judge) may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by a federal court in that district. A magistrate judge may hold in contempt a witness who, without adequate excuse, disobeys a subpoena issued by that magistrate judge as provided in 28 U.S.C. § 636(e).